

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JOSE J. JARAMILLO

Plaintiff(s),

VS.

**ESPERANZA FINANCIAL
SERVICES, et.al**

Defendant.

Case Number: 07 CV 07006

**Honorable Blanche M.
Manning**

Magistrate Judge Susan E. Cox

Hearing Date: July 1, 2008

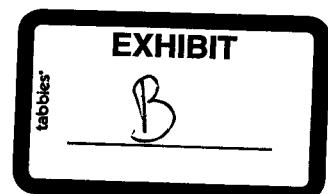
Hearing Time: 11:00 a.m.

Default Judgment Order

This matter coming to be heard on the Plaintiff's motion for default on his First Amended Complaint to Rescind Mortgage Pursuant to Federal Truth in Lending Act against Esperanza Financial Services on Count I and Count II. It appearing that no answer or other response has been filed by Esperanza Financial Services. Due notice having been given to all parties entitled thereto.

It is hereby ordered that

- i. Plaintiff has validly rescinded the transaction as it applies to Esperanza.
- ii. The mortgage or security interest held by Esperanza is void and unenforceable due to violation of 15 U.S.C. §1635.
- iii. The mortgage or security interest held by Esperanza on property located at 1323 N. Cedar Lake Road, Lake Villa, IL – 60046 is void and unenforceable as it was procured by fraud.



- iv. Esperanza is required to provide Plaintiff with an accounting and refund of all payments made by Plaintiff to Esperanza, including but not limited to, any and all finance charges, earnest money, down payment, closing costs, points, credit insurance premiums, security interest charges, application fees, membership fees, commitment fees, appraisal fees, survey fees, title search fees, broker fees, credit report fees, filing fees, document preparation fees, attorney fees, and credit insurance premiums. These payments include payments made directly to Esperanza, paid by the Plaintiff directly to a third party or payments passed on from Esperanza to a third party.
- v. Plaintiff is awarded \$2,000.00 in statutory damages pursuant to TILA, 15 U.S.C. §1640 for failure to rescind on a timely basis.
- vi. Plaintiff is awarded reasonable attorney's fees pursuant to the TILA, 15 U.S.C. §1640 in the amount of \$26,106.50 and costs in the amount of \$1,211.78.

Date:

Enter:

Hon. Blanche M. Manning
Magistrate Judge

DAVID P. LEIBOWITZ
Attorney I.D. No. 1612271
Leibowitz Law Center
420 West Clayton Street
Waukegan, Illinois 60085-4216
847.249.9100